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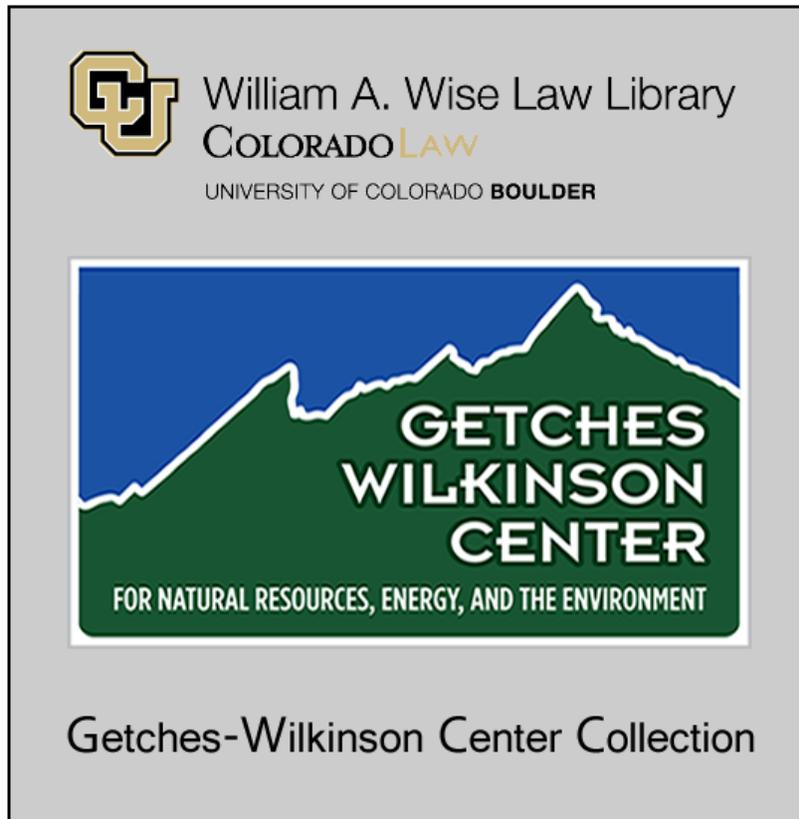


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Creating Better River Basin Governance: A Comment

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June 13-15, 2001

**Natural Resources Law Center Conference
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Creating Better River Basin Governance: A Comment

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- I. Prospects for improved governance of natural resources in general, water in particular, ride with how local organizations of resource appropriators are designed. They create social-political space between resource users and state-federal bureaucracies that can be employed to address the critical issues.
 - A. The West has always had an array of non-profit cooperatives-e.g., soil conservation, livestock, credit, agricultural input purchasing, product marketing, mutual ditch companies, irrigation districts, and conservancy districts.
 - B. Many have fought outsiders, environmentalists, agencies of state and Federal government, and private corporations for control of the resource agenda.
 - C. They control significant resources and they represent essential social capital to be brought to the task of improved governance-especially river basin management.
- II. One kind of local organization-the Mutual Ditch Company-serves as an example.
 - A. Does not tie water to the land.
 - B. Has created water markets in many places-e.g., one of the world's largest and most successful water markets is found within the boundaries of the Northern Colorado Water Conservancy District (NCWCD) in Northeastern Colorado.
 - C. Representatives of mutual companies (along with a few irrigation districts) created the NCWCD for the purpose of organizing social-political space between specific resource appropriators in N.E. Colorado on the one hand and the State of Colorado and the Federal Government on the other hand for the governance of a common property resource-the trans-basin diversion of water from the West to East slope.
 1. Neither the state or federal governmental entities nor the individual resource appropriators could manage the water resource-only an organization, serving as buffer between

the other two levels of organization, could provide the necessary capacity, accountability, and management.

2. The manner in which these local resource organizations are organized, operating in the interface between individual users and the central state bureaucracies, has everything to do with prospects for resource productivity, distributional equity, and environmental sustainability.

III. Thinking About Better Governance

- A. Use federal law and agencies as a hammer-e.g., the Endangered Species Act, the Clean Water Act.
- B. Respect the need for social-political space to emerge between central governmental entities and local resource appropriators that can be filled by local cooperative non-profit organizations such as mutual companies, irrigation districts, and conservancy districts.
- C. Seek ways to provide the conditions within which these local organizations can devise creative solutions to problems by combining local site specific knowledge with best available science.
- D. See such local organizations as potential allies in governance

IV. Example: The need to improve governance of the Platte River Basin by re-regulating water flows in Colorado, Wyoming, and Nebraska to improve critical habitat for Whooping Cranes, Least Terns, and Piping Plovers.

- A. This is a job that cannot be accomplished by:
 - *any Federal or State agency.
 - *any existing water user organization.
 - *any coalition of environmental groups/organization.
- B. This task must be undertaken by a new organization that will stand between existing resource appropriators and agencies of the States' and the Federal government.

IV. Better governance rides with our ability to create and develop such organizations.